

**UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEW MEXICO**

In re:

HUNGRY HORSE, LLC)	Chapter 11
)	
Debtor.)	Case No. 16-11222-11
)	
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WILLIAM PAIGE MCNEILL,)	Adversary No. _____
)	
)	(Civil Case No. D-506-CV-2016-00325
Plaintiff,)	Removed from the Fifth District Court
)	for the District of New Mexico)
v.)	
)	
JOHN NORRIS, VERNON BLACK,)	
and HUNGRY HORSE, LLC)	
)	
Defendants.)	
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NOTICE OF REMOVAL

Debtor, Hungry Horse, LLC (hereinafter “Debtor”), a party to the above-styled and captioned civil proceeding gives this Notice of Removal of the above case pursuant to 28 USC §1452(a), and in support thereof, states:

1. This Removal is filed by Debtor/Debtor-in-Possession, Hungry Horse, LLC (hereinafter “Debtor”), the Defendant in the above-captioned Lea County District Court Case (Fifth Judicial District). The Debtor, filed a Voluntary Petition under Chapter 11 of Title 11 of the United States Code in the United States Bankruptcy Court, District of New Mexico, on May 17, 2016, which case is pending on the bankruptcy docket of that Court as Case No. 16-11222-t11.

2. This removal is filed under and pursuant to 28 USC §1452 and Rule 9027, Fed.R.Bank.P. This captioned civil action was initiated before commencement of the case under the Code, and removal is timely to Rule 9027(a)(2), Fed.R.Bank.P.

3. The removed case is a core proceeding under 28 USC §157(b) and §1452; and pursuant to local rules and administrative orders and the Administrative Order of the U.S. District Court dated March 19, 1992 (No. 84-03241), every notice of removal is filed with the Clerk of the United States

Bankruptcy Court for the District of New Mexico. If the removed case is not a core proceeding then Hungry Horse, LLC does consent to the entry of final orders and or judgment by the Bankruptcy Judge.

4. Statement of facts entitling Hungry Horse, LLC to remove state court case. The removed suit is pending in the New Mexico State District Court. This suit involves disputed claims.

A. The Plaintiff has filed a complaint seeking damages for breach of contract, debt and money due, violation of implied covenant of good faith, fair dealing, and punitive damages.

B. Defendants Hungry Horse, LLC and John Norris filed counterclaims for breach of contract and breach of fiduciary duty as the former managing member of Hungry Horse, LLC.

C. The Complaint and Counterclaims are unliquidated and disputed.

D. Plaintiff, Paige McNeill has possession of certain personal property of Debtor, property of the estate, which Debtor may seek to recover in this removed case by amending Debtor's pleadings.

5. The captioned case should be transferred to the United States Bankruptcy Court, District of New Mexico, for trial upon the merits, as it involves property of the estate, resolving disputed claims by Plaintiff, and counterclaims by the Debtor.

6. A complete copy of all pleadings filed in the removed case shall be filed with the United States Bankruptcy Court Clerk in this Adversary Proceeding.

7. The addresses for the attorneys for the parties are:

A. Attorneys for Plaintiff
Law Offices of James P. Lyle, PC
James P. Lyle
1116 2nd Street NW
Albuquerque, NM 87102
pennname@prodigy.net

B. Attorneys for Defendants, Hungry Horse, LLC and John Norris
The Newell Law Firm
Michael T. Newell
10 W. Adams Avenue, Ste E
Lovington, NM 88260
mnewell@newellawnm.com

WHEREFORE, Hungry Horse, LLC, prays that this action be permanently removed to the Bankruptcy Court and adjudicated by the United States Bankruptcy Court pursuant to Title 11.

Respectfully submitted,

KEN WAGNER LAW, P.A.

By: Electronically filed August 12, 2016

Louis Puccini, Jr.

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CERTIFICATE OF SERVICE

In accordance with FRBP 9036, NM LBR 9036-1(b) LBR 6006-1 and FRCP.5 (b)(3), I hereby certify that service of this document was made on August 12, 2016 via the notice transmission facilities of the case management and electronic filing system of the United States Bankruptcy Court for the District of New Mexico on all parties or counsel requesting notice to be served by electronic means including, and via First Class U.S. Mail to the following:

Attorneys for Plaintiff

Law Offices of James P. Lyle, PC

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Attorneys for Defendants, Hungry Horse, LLC and John Norris

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KEN WAGNER LAW, P.A.

/s/ Louis Puccini, Jr.

Louis Puccini, Jr.